



# Arizona Board of Psychologist Examiners **Newsletter**

**RMission:** To protect the health, safety and welfare of Arizona citizens by regulating the psychology profession

**Volume 5**

**November 2000**

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## Statute & Rule Changes

In the interests of the public, the profession, modernization, and clarity, the Board has undergone some changes in its Statutes and Rules. The new Statutes and Rules became effective July 18, 2000 and August 7, 2000, respectively. Some of the major changes are as follows:

### STATUTES

- Replaces one psychologist board member with a public member
- Reciprocity with other states whose standards meet or exceed Arizona's
- Extends the life of the Board 10 more years

### RULES

- Specifies that records for a client who is a minor be kept for at least 3 years after the client's 18<sup>th</sup> birthday or 7 years from the last client activity, whichever is longer
- EPPP passing score now ASPPB recommended score, not just 70%
- Clarifies application, renewal and continuing education (CE) documentation requirements
- Expands the range of possible CE instructors
- Grants CE units for attending Board meetings and serving as complaint consultants
- Extends time for "aggrieved" parties to file a motion for rehearing or review of a Board order or decision

**Q**

## Board Revokes License

On July 25, 2000 the Board of Psychologist Examiners voted unanimously to accept the Consent Agreement and Order of Revocation of license 909 held by **Jeffrey D. Harrison, Ph.D.** The revocation was effective on August 21, 2000.

Dr. Harrison agreed that if the case had proceeded to an administrative hearing, the State would present substantial evidence in support of charges and alleged violations contained in the Complaint, but he denied the charges and alleged violations. He also agreed that the conduct and circumstances described in the Complaint constituted grounds for the revocation of his license.

The Complaint charged Dr. Harrison with engaging in sexual intimacies or sexual intercourse with a female client whom he had been treating for post-traumatic stress disorder, anxiety and depression. Dr. Harrison described this client's clinical presentation as among the most severe he had ever seen. The Complaint also charged that Dr. Harrison told the client

*Continued on page 2, "Revocation"*

## Psychologist Not Required to Disclose Non-Party Client Records

In a patient's malpractice action against her psychologist, psychiatrist, hospital and others, the psychologist and other defendants are not required to disclose the mental health records of patients who are not parties to the action, the Arizona Court of Appeals decided in June 2000.

In 1998, patient Jane Roe filed a medical malpractice action against her psychologist, psychiatrist, hospital and others, alleging that she had been negligently diagnosed as suffering from multiple personality disorder (MPD) and falsely led to believe that she had been the victim of satanic or ritual abuse. Roe served discovery requests on defendants, demanding that they disclose "all patients" whom they had treated for MPD or dissociative disorder, and certain details about their treatment. (These other patients were not parties to the lawsuit.)

*Continued on page 5, "Client Records"*

## Minutes on the Web & Other Features

Minutes of Board meetings are now available on the Board's website, "www.goodnet.com/~azbpe," bringing the Board's actions right to your computer in PDF format. Board minutes are made available after they have been approved at a subsequent meeting and signed by Board officials. To view the minutes, you will need Adobe® Acrobat Reader®, which can be downloaded free of charge at the Board's website.

Other recent changes to the website include more frequently updated directory address information, containing a field indicating whether a psychologist has had disciplinary action or not; a listing of recently disciplined psychologists; revised statutes, rules, frequently asked questions (FAQs) and Consumer Guide as well as current and archived newsletters. **Q**

### ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS

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### BOARD MEMBERS

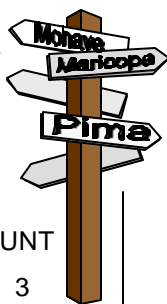
T.H. Guerin, Jr., J.D., Chairperson  
Maureen K. Lassen, Ph.D., Vice-Chair  
Gary D. Lovejoy, Ph.D., Secretary  
Denise M. Bainton, J.D.  
Janice K. Brundage, Ph.D.  
Wil R. Counts, Ph.D., R.Ph.  
Eugene R. Moan, Ed.D.  
Maryann Santos de Barona, Ph.D.  
David P. Yandell, Ph.D.

### STAFF

Maxine McCarthy, Executive Director  
Marcus Harvey, Projects Specialist  
Diane Lucas, Administrative Secretary  
David S. Shapiro, Investigator

**ASSISTANT ATTORNEY GENERAL**  
Nancy J. Beck, J.D.

## Active Licensed Psychologists By County



COUNTY NAME	COUNT
Apache	3
Cochise	9
Coconino	62
Gila	5
Graham	3
Greenlee	0
La Paz	3
Maricopa	659
Mohave	3
Navajo	9
Pima	290
Pinal	8
Santa Cruz	1
Yavapai	34
Yuma	10
Out of State	223
Out of Country	24
<b>Total</b>	<b>1,346</b>

The Board wishes to express its gratitude to the following licensees who have so generously given of their time and energy as complaint consultants:

John Beck, Jr., Ph.D.  
 Harold D. Blackwood, Ph.D.  
 David J. Jecmen, Ph.D.  
 Mary Ann Lanzilotta, Ph.D.  
 David M. McPhee, Ph.D.  
 Paulette M. Selmi, Ph.D.  
 Sandra S. Volgy, Ph.D.

The Board has learned with regret that the following psychologists have passed away since our last newsletter was issued and wishes to extend its condolences to their families, friends and colleagues:

Vergie L. Behrens, Ph.D.  
 Wallace C. Diers, Ph.D.  
 Suzy Kuser, Ph.D.  
 Melvin Rockowitz, Ph.D.

## REGULATION OF TITLES

A.R.S. § 32-2084 states that it is a misdemeanor for any person not licensed by the Board to use of any combination of words, initials and symbols that leads the public to believe the person making the representation is licensed to practice psychology in Arizona. It is also a misdemeanor for a person not licensed to use the designation "psychology," "psychological," or "psychologist," or for a person not licensed in Arizona or exempt from licensure to use the designation "psychotherapist" or other derivation of the root word "psycho".

The Board sends notices to unlicensed persons violating these laws, informing them of the laws, and requesting that they cease advertising in all future telephone books, business cards, and the like. The Board is authorized by A.R.S. §32-2083 to obtain a Superior Court order enjoining the unlicensed practice of psychology.

*The following is a lists of persons who have received Title letters from March 2000 to the present, excluding any open files.*

Name	Title/Advertisement	Location
Bee Unlimited, Inc.	"Psychotherapists"	Sedona
Joel Martin	"Nutritional Psychologist"	Prescott
Diann Wilson, Ph.D.	"Forensic Psychologist"	Peoria
Leo Jean & Gloria Romlewski	"Parapsychologists"	Phoenix
Linda Lou Choplin	"Psychodynamic"	Phoenix
Carol Ross	"Psychodynamic"	Tucson
Judy Gifford	"Psychotherapist"	Phoenix
Tracy Hunzeker	"Psychotherapist"	Scottsdale
Peter Davis, Ph.D.	"Psychoneuroimmunology"	Scottsdale

### Revocation *Continued from page 1*

many times that he loved her and that his sexual relationship with her could destroy his career, his other relationships, and his reputation, and that she must not tell anyone about it.

In addition, the Complaint alleged that Dr. Harrison's conduct constituted unprofessional conduct, i.e., committing a felony (sexual misconduct); betraying professional confidences; failing or refusing to maintain and retain adequate records; abandoning or neglecting a client in need of immediate care without making suitable arrangements for continuation of the care; failing to furnish information in a timely manner to the Board, and violating a formal Board order.

The Board has referred the case to the County Attorney's Office as required by law. A psychologist whose license has been revoked may not practice psychology in Arizona. Neither may an unlicensed individual use designations such as "psychological," "psychology," "psycho-therapist," or any derivation of the root word "psycho," and may not use any combination of words, initials and symbols that leads the public to believe that the person is licensed to practice psychology in Arizona. **Q**

### Mobility Update: The Certificate for Professional Practice in Psychology (CPQ)

Since mobility in psychology licensure from state to state is one of the most important issues facing the profession in the new century, you can be sure that your Board is carefully evaluating the best ways to proceed in adapting to this trend.

In addition to successfully lobbying that reciprocity language be added to the licensure law, the Board has been very involved in studying CPQ. The Board discussed the subject at its April 7 and October 6-7, 2000 meetings, and the Board's CPQ Committee has drafted language regarding possible statutory changes necessary to implement CPQ. The Board has also been in dialogue with the Association of State and Provincial Psychology Boards (ASPPB), which designed the CPQ credential to promote mobility for licensed doctoral psychologists in the United States and Canada, inquiring about some of the Board's concerns with the CPQ. Additionally, as noted elsewhere in this newsletter, the Board's own Dr. Wil Counts has also been very active in promoting the CPQ.

In Arizona, there are two issues which have induced caution on the Board's acceptance of the CPQ, the first concerning the CPQ itself, while the second relates to the possible loss of control over licensure

*Continued on page 3, "Mobility & CPQ"*

## For He's a Jolly Good Fellow

The Board is pleased to announce that our own Wil R. Counts, R.Ph., Ph.D. has been elected as a Fellow of the Association of State and Provincial Psychology Boards (ASPPB), acknowledging his distinguished service in the area of licensing and certification.

This honor, which ASPPB began in 1990, is bestowed on no more than 5 individuals per year, and makes Dr. Counts one of only 4 Arizona psychologists so honored to date [other AZ Fellows include Matilda B. Canter, Ph.D. (1990); Norman D. Henderson, Ph.D. (1990); and Terry Scritchlow, Ph.D. (1992)].

It was the Board's unanimous decision at its April 7<sup>th</sup> meeting to nominate Dr. Counts for Fellow based on his extensive service to the citizens of Arizona by lengthy and productive membership on the Board and his contributions to the ASPPB.



Dr. Counts, whose current term extends to 2005, was appointed to the Board in 1988 and has served as its Chair twice consecutively, while also chairing various Board committees. During his tenure as Chair, the Board successfully underwent its recent sunset evaluation by the Auditor General's Office, brought the complaint resolution process well under the 180 day standard in Arizona, and improved the Board's image within the profession in terms of complainant and licensee satisfaction.

Dr. Counts has been very involved in mobilizing support for acceptance of the Certification of Professional Qualification (CPQ) in psychology, having addressed the issue in presentations before the American Psychological Association, the Arizona Psychological Association, the Southern Arizona Psychological Association and the Arizona Association of Black Psychologists, which he helped found.

The ASPPB invited Dr. Counts to be honored at its Annual Meeting in Lake Tahoe, Nevada on October 18-22, 2000. The Board, which selected Dr. Counts as its delegate to the meeting, congratulates and extends sincere thanks to this fine fellow! **Q**

## Congratulations New Licensees!

On behalf of all Arizona licensed psychologists, the Board of Psychologist Examiners welcomes our **38 newest licensees** who were licensed since our last newsletter was published (March 2000):

Robert Armstead, Ph.D.	Sedona
Patricia Ashbrook, Ph.D.	California
Leslie Baxter, Ph.D.	New Hampshire
Carl Bonacci, Ph.D.	Paradise Valley
Timothy Bowers, Psy.D.	Virginia
Dena Cabrera, Psy.D.	Wickenburg
Kacey Chandler, Ph.D.	Tucson
Ronald Dalrymple, Ph.D.	South Korea
Jason Dana, Psy.D.	Phoenix
Mary Dawes, Ph.D.	Tempe
Patricia Falcon, Psy.D.	Tucson
Gary Freitas, Ph.D.	Phoenix
Theresa Gates, Ph.D.	Oregon
Joseph Gretschi, Psy.D.	Sacaton
Mark Groberski, Ph.D.	Tempe
Sarah Hahn, Ph.D.	Phoenix
Philinda Hutchings, Ph.D.	Phoenix
Marianne Hutchison, Psy.D.	Scottsdale
Milena Kovacic, Ph.D.	Michigan
Richard Langsdorf, Ph.D.	Oklahoma
Marty Lasse, Ph.D.	Alaska
Ronald Lechnyr, Ph.D.	Oregon
Nanette Leigh, Ph.D.	Glendale
Nancy Mann, Psy.D.	California
Machelle Martinez, Ph.D.	Indonesia
Patsy Moseley, Ed.D.	Phoenix
Barbara Nichols, Ph.D.	Tucson
Steven Patrick, Ph.D.	Flagstaff
Joan Polansky, Ph.D.	Oregon
Julene Robbins, Ph.D.	Oro Valley
Nancy Schaeffer, Psy.D.	Illinois
June Stapleton, Ph.D.	Phoenix
Kim Thomas, Ph.D.	Scottsdale
Terence Tracey, Ph.D.	Tempe
Sandra Trisdale, Ph.D.	Tucson
Andrea Waddell-Pratt, Ph.D.	Phoenix
Gina Walters, Ph.D.	Tennessee
Frank Weber, Ph.D.	California

*Be sure to read the article "Challenges for Psychologist Regulatory Boards in the 21st Century" in the November/December issue of The National Psychologist, by Dr. Wil Counts.*

## Mobility & CPQ Continued from page 2

The Board is concerned that psychologists who do not have a doctoral degree in applied or professional psychology may obtain the CPQ. Not only that, but due to the CPQ grand-parenting provision, which ends 12/31/00, psychologists without even a degree in psychology could obtain the credential. Additionally, the level of core program training (including coursework in psychological assessment and psychotherapy) and even supervised internship and postdoctoral experience training acceptable for the CPQ are below Arizona's educational and training requirements.

The Board is also concerned about the possibility that the standards by which the CPQ credential is conferred could be modified apart from the control of the Board or the legislature, putting Arizona's licensure standards at the mercy of the ASPPB.

The Board's concerns, however, might well be solved by legislation that would allow Arizona to accept the CPQ as a mechanism documenting basic licensure eligibility, while imposing local requirements such as possessing a doctoral degree in applied psychology, and documenting acceptable training in ethics, assessment and treatment modalities. Other states like Kentucky and Oklahoma, which accept the CPQ, also require such additional documentation. Finally, the legislation could also add a provision allowing the Board to review any possible changes made to the CPQ, before processing further any applications based on the credential.

The CPQ's goal of streamlining the relicensure process for applicants and licensing boards is certainly laudable and one which the Board shares, while it also must balance that with its own goal of protecting the public from incompetent practitioners by efficiently processing the license applications of psychologists to determine if the Board's statutory and rule requirements have been met. **Q**

## Complaint & Disciplinary Actions Statistics

The following information pertains to Requests for Investigations (RFIs) received or actions taken by the Board since our last news letter (March 2000):

RFIs Received	21
Disciplinary Actions	
• Decree of Censure	2
• Revocation	1
Dismissals	12



## GET UP TO HALF OF YOUR CEs FROM THE BOARD!

With the recent changes to the Board's rules, you may now earn up to 20 continuing education (CE) hours by serving as a Board complaint consultant, and up to 10 CEs for attending a Board meeting. Complaint consultants assist the Board's investigator by reviewing sometimes voluminous amounts of documentation and providing consultations regarding complaints against other psychologists. Those attending a Board meeting may receive 4 CEs for attending a full-day meeting, and 2 CEs for attending a half-day meeting. (Note: CEs granted by the Board are Category I hours and may not be accepted outside the State of Arizona.)

The rules (A.A.C. R4-26-207) require every psychologist licensed in Arizona to obtain 60 hours of continuing education units. At least 40 of these hours must be Category I hours, which consist of courses, seminars, workshops, home studies with certificates of completion, and post-doctoral studies sponsored by regionally accredited schools that provide a graduate-level degree program.

Also acceptable are continuing education programs offered by national, international, regional, or state associations, societies, boards, or continuing education providers, if the content of the educational experience is primarily (75% or more) concerning subjects related to the "practice of psychology," and if taught by qualified instructors, as provided by law.

Psychologists elected to offices in international, national, regional, or state psychological associations or societies, or appointed to government psychology boards or committees, may also receive a maximum of 10 continuing education credits under Category I, for their work in those positions.

The additional 20 hours are Category II and consist of self study, study groups, publication of authored or co-authored psychology books or psychology book chapters, or publication of articles in peer-reviewed psychology journals, or presentation of symposia or papers at a state, regional, national, or international psychology meeting, or attendance at or participation in case conferences.

Remember to keep your CE certificates and supporting CE documentation on file for the two previous, consecutive license renewal periods in case you are audited. It is not necessary to provide this information to the Board unless you are chosen for a random audit. **Q**



### **Board Meeting Dates**

**December 1-2, 2000**

**February 2-3, 2001**

**April 6-7, 2001**

**June 1-2, 2001**

**August 3-4, 2001**

**October 5-6, 2001**

**December 7-8, 2001**

**Board meetings are open to the public and any person may address the Board on any subject related to the Board's business for five minutes during the "Call to the Public." This is usually scheduled at 9:00 a.m. on Saturdays. The Board may not discuss, consider, or take action on subjects not appearing on the agenda.**

Contact the Board office for further information regarding the agenda, meeting times and room location.

### **Notify the Board of Address Changes**

Did you know that as a licensee, you have a legal responsibility to notify the Board of your address and telephone number changes? It's true. According to A.R.S. §32-2066(B): "A licensee shall inform the Board in writing of the licensee's current residence address, office address and telephone number within 30 days of each change of information. The Board may assess \$100 against a licensee who fails to notify the Board within 30 days from the date of any change of information required to be reported under this subsection."

This is especially important since licensure renewal notices will be sent out in March. "A psychologist's failure to receive a renewal notice or other mail which the Board sends to the most recent address on file with the Board office is not justification for an untimely license renewal or the omission of any other action required by the psychologist" (A.A.C. R4-26-107). Correspondence from the Board, such as licensure renewal, notice of disciplinary charges, and notice of hearing are mailed to the last known address of the psychologist. Therefore, failure to properly notify the Board of one's current address can result in a lapsed license, noncompliance with regulations of the Board, or disciplinary action on the psychologist's license.

The Board keeps home addresses confidential, unless that address is also designated as the public address of record or is the only address of record. The public address is provided to the general public and listed on the Board's website. **Q**

### **New Board Fees**

The following fees associated with licensing, renewals, and services provided by the Board will be effective as of January 1, 2001:

Application	\$350
Reapplication	200
EPPP <sup>1</sup>	475
Initial license <sup>2</sup>	400
Biennial Active Renewal	400
Biennial Inactive Renewal	50
Reinstatement of Expired License	200
Verbal License Verification	0
Written License Verification	2
Copies of Rules and Statutes <sup>3</sup>	5
Duplicate Renewal Receipt	5
Duplicate Certificate	25
Other copies	25¢/pg

#### **NOTES:**

1. \$450 will be the fee charged by ASPPB, effective July 1, 2001. The Board charges a \$25 administration fee.
2. This fee is prorated based on the remaining months to the next renewal.
3. No charge to our licensees.

## Client Records *Continued from page 1*

When the psychologist and psychiatrist objected on the grounds that the records were privileged and were not relevant, Roe moved to compel defendants to produce the mental health records of defendants' non-party patients who had been diagnosed with or treated for MPD and/or satanic or ritual abuse. Although the psychologist and psychiatrist moved for protective orders to prevent disclosure of records of the non-party patients, the court ordered them to produce "no more than 30 files of patients with satanic abuse or who have suffered with [MPD] symptoms with appropriate redaction to conceal the identity of the patients." The court order permitted Roe to select not more than five former patients for deposition, and after deposition, to select three to serve as witnesses at trial.

The Court of Appeals concluded that the trial courts order compelling disclosure of the non-party patients' records was an abuse of discretion, and vacated that part of the order. Although medical records are privileged and confidential by law, the Court of Appeals acknowledged that courts have permitted discovery of non-party patient records in some limited cases, that is, only in the isolated instances in which the records were relevant to the litigation, and where, with proper redaction, the identity of the non-parties would not be disclosed.

No Arizona court had previously resolved the question of whether mental health treatment records must be held strictly confidential as required by law, or are subject to discovery if precautions are taken.

The Court recognized that the trial court had not even contemplated redaction of the records to conceal the non-party patients' identities. In fact, the trial court anticipated that the patients would be identified, deposed, and called to testify at trial, and one non-party patient had already been deposed over objection. Redacting the records would provide no privacy for the patients, who had all participated in group therapy with Roe and whom she could likely identify from the details of the confidences in their records. The Court of Appeals concluded that the "patients had every right to rely on statutory guarantees of confidentiality and privacy" and the nature of mental health records demands little, if any, encroachment on the statutory protection of their privacy. The psychologist and psychiatrist could not be required to produce the records of non-party patients.

• *C.B., et al. v. Hon. Charles Sabalos and Jane Roe, et al.*, 2000 WL 767964, 323 Ariz. Adv. Rep. 31 (App., Div. 2). Q

## Recently Asked Questions

The following are questions that the Board has answered for licensees and others in recent months, reprinted here for your convenience:

### General Information

#### Q. Can I just call the Board to update my addresses or telephone numbers?

A. No. Per the statutes, you must notify the Board in writing.

#### Q. Can the Board answer the following ethical question for me...?

A. Stop right there. The Board cannot provide legal advice or ethical guidance, but encourages you to consult with respected colleagues who could advise you, and document these consultations. You may also wish to consult any psychological associations you might be a member of, or an attorney.

#### Q. Does the Board have a position on...?

A. No; the Board handles each investigation, complaint, and issue on a case by case basis.

#### Q. What information in my licensing and/or disciplinary file(s) is available to the public?

A. License application, licensure renewal applications, dismissal letters, letters of concern, Board disciplinary orders and related Board meeting minutes. For example, birth dates and social security numbers are not released to the public, and home addresses are not released unless they are the only address of record. All documents associated with an investigation are confidential.

#### Q. Can I voluntarily surrender my license?

A. No. The Board has no statutory provision for surrender of licensure. If you do not wish to remain licensed, you may elect not to renew your license. If you have been informed of a Board investigation at the time you fail to renew, your license becomes suspended until the investigation is resolved, and then expires.

#### Q. How do I change my license from inactive to active status?

A. You may request reactivation by writing to the Board indicating your intentions. The Board will determine whether you have violated any Board statute or rule and whether you have maintained your professional knowledge to practice as a psychologist. You must pay the required fee and may be required to take or retake the licensure exams.

## Records

#### Q. If the Board requests or subpoenas my client records, do I have to obtain client consent before providing the records?

A. No. In general, unless the client waives the psychologist-client privilege in writing or in court testimony, a psychologist shall not voluntarily or involuntarily divulge information that is received by reason of the confidential nature of the psychologist's practice. However, the psychologist-client privilege does not apply to a Board investigation. The psychologist is required by law to divulge to the Board information it requires in connection with any investigation, public hearing or other proceeding. The Board, its employees and its agents must keep in confidence the names of clients whose records are reviewed during an investigation.

### Continuing Education (CE)

#### Q. Do CE providers have to be APA approved?

A. No, but APA approval is accepted by the Board. Instructors must simply meet the qualifications listed in the Board Rules.

#### Q. Do I need to obtain CEs while on inactive status?

A. No, you are not required by law to obtain CEs while your license is inactive. However, if you wish to reactivate your license, you will have to show that you have maintained your professional knowledge to practice as a psychologist. It is, therefore, advisable to continue to maintain CEs while on inactive status if you ever wish to reactivate your license.

#### Q. Do I need to be sending the Board documentation of my CEs?

A. No, unless you are audited at renewal time and required to do so by a letter from the Board.

### Postdoctoral Supervision

#### Q. Does a supervisor have to be on-site?

A. No, but a minimum of 1 hour of individual, face-to-face supervision must be conducted for each 20 hours worked.

#### Q. Can "face-to-face" supervision include teleconferencing over the Internet, where the supervisee and I can see each other?

A. Yes, but remember the supervisor must be licensed for at least two years in the state where the supervision occurs. Q

**NAME AND/OR ADDRESS CHANGE – PLEASE PRINT (Mail or Fax)**

This is a change of \_\_\_\_\_ Name (Documentation Required)\* \_\_\_\_\_ Address

\*Copy of marriage license, divorce decree, or a notarized statement is required to document a name change.

LICENSE NUMBER: \_\_\_\_\_ CURRENT BUS PHONE: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_ CURRENT HOME PHONE: \_\_\_\_\_

NAME: \_\_\_\_\_

FORMER NAME: \_\_\_\_\_

CURRENT BUSINESS ADDRESS: \_\_\_\_\_

CURRENT HOME ADDRESS: \_\_\_\_\_

PREFERRED PUBLIC ADDRESS: \_\_\_\_\_

PREFERRED BOARD MAILING ADDRESS: \_\_\_\_\_

\_\_\_\_\_ BUSINESS \_\_\_\_\_ HOME

\_\_\_\_\_ BUSINESS \_\_\_\_\_ HOME

If you do not choose a preferred public address, the Board will use your business address for public records.

ADDRESS CORRECTION REQUESTED

ARIZONA BOARD OF PSYCHOLOGIST EXAMINERS  
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